

August 9, 2005

A special meeting of the Redmond City Council was called to order by Mayor Rosemarie Ives at 8:00 p.m., pursuant to notice, in the Council Chambers. Councilmembers present were: Cole, McCormick, Paine, Resha, and Robinson.

APPEAL HEARING OF A SEPA DETERMINATION OF NON-SIGNIFICANCE FOR REDMOND TRANSPORTATION MASTER PLAN (QUASI-JUDICIAL)

The Mayor introduced Robin Jenkinson, Legal Advisor for the appeal hearing and City Attorney for the City of Kirkland. Ms. Jenkinson explained that this is an open record appeal hearing on SEPA File No. L050049, which is an appeal of the City's Determination of Non-Significance (DNS) issued for the Transportation Master Plan (TMP). She stated this appeal hearing is limited to the issues raised in the appeal application form. The parties to this appeal are Jason Kap and Eric Medeiros, represented by their Legal Counsel, J. Richard Aramburu. The Respondents are the Public Works and Planning Department Directors, who make up the Technical Committee, which serves as the Responsible Official. The Respondents are represented by City Attorney James Haney.

Ms. Jenkinson clarified that the Appellants have raised a procedural issue in the form of a Motion submitted from the Appellant's Legal Counsel, Mr. Aramburu. The Motion is contained in a letter dated July 12, 2005, addressed to the City Council and the City of Redmond Hearing Examiner. The Motion requests that the Council issue a decision or interpretation that the appeal on the Determination of Non-Significance (DNS) be heard by the Hearing Examiner with an appeal to the Council. She further explained that after argument is concluded on this motion, the Council will need to rule on the Motion. The Council could determine that it is the appropriate body to hear the appeal and proceed to conduct the hearing tonight or decide that the Hearing Examiner should properly hear this matter and then there would be no further proceedings this evening.

Ms. Jenkinson recommended to the City Council that they disclose any communications that they may have had with any of the parties to this appeal.

Councilmember Cole disclosed that he had attempted to buy property in the area in the 1970's. Councilmember

McCormick disclosed that when she was ombudsman she remembered sending a letter of a general nature to Mr. Medeiros.

Mr. Aramburu cited sections in the Redmond Community Development Guide (RCDG) that provides for a notice of appeal and acknowledged that while RCDG 20F.30.60 deals generally with the Landmark Commission, its appeal procedures are generic and establish procedural appeal requirements. He stated that the quasi-judicial appeal of a DNS is much better heard by an experienced Hearing Examiner who has the ability to better handle evidentiary, legal, and process issues.

Mr. Haney responded that Council approved amendments to Title 20F of the RCDG and that 20F.30.60 was recodified as RCDG 20F.30.65 by Ordinance No. 2164 and passed by the Council on June 3, 2003. He clarified that the reference in the City's SEPA appeal procedures was not changed at that time and that this was not intentional, but rather an unintentional error and omission.

Motion by Ms. McCormick, second by Mr. Robinson, that the SEPA appeal hearing of a SEPA Determination of Non-Significance for Redmond Transportation Master Plan be heard by the City Council.

Upon a poll of the Council, Cole, McCormick, Paine, Resha, and Robinson voted aye. Motion carried unanimously (5 - 0).

Ms. Jenkinson announced that the Appellants would proceed first with their presentation and clarified that unlike most quasi-judicial hearings that the Council conducts, the parties are not limited to a record established before the Hearing Examiner, that the record is now being created before the Council. She further stated that after all testimony and argument is presented, the Council will have the opportunity to ask questions. The Council will then deliberate and render an oral decision either tonight or at a subsequent meeting.

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Mr. Aramburu began his presentation of the appeal and called Kurt Seemann, Senior Transportation Engineer, as his first witness and Terry Marpert, Principal Planner, as his second witness.

RECESS

The Mayor declared a recess at 9:45 p.m. The hearing reconvened at 9:55 p.m.

Councilmember McCormick recommended that the hearing end at 11:00 p.m. and, if needed, be continued to August 23, 2005.

APPEAL HEARING OF A SEPA DETERMINATION OF NON-SIGNIFICANCE FOR REDMOND TRANSPORTATION MASTER PLAN (QUASI-JUDICIAL)
(continued)

Mr. Aramburu continued with his questions of Mr. Seemann and Mr. Marpert.

CONTINUE MEETING PAST 11:00 P.M.

Motion by Ms. McCormick, second by Mr. Resha, to extend the hearing past 11:00 p.m. Motion carried unanimously (5 - 0).

CONTINUATION OF APPEAL HEARING OF A SEPA DETERMINATION OF NON-SIGNIFICANCE FOR REDMOND TRANSPORTATION MASTER PLAN (QUASI-JUDICIAL)

At 11:07 p.m. the Mayor announced that the appeal hearing would be continued to August 23, 2005, and all parties would be notified of the start time.

MAYOR, ROSEMARIE IVES

CITY CLERK, MALISA FILES